

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) ~~A method for cross-fading a first and second stream that respectively comprises first and second audio data received via a communication link and corresponding to a common audio signal, said first audio data being generated by sampling an audio source at a first sampling rate and said second audio data being generated by sampling said audio source at a second sampling rate different than said first sampling rate, said method comprising:~~

receiving, said first audio data within said a first stream via a network communication link, first audio data generated by sampling of a common audio signal of an audio signal at a first sampling rate;

receiving, based at least in part upon a change in a bandwidth capability of the network communication link, said second audio data within said a second stream generated by sampling of said audio source at a second sampling rate different than said first sampling rate, the first and second audio data corresponding to a common audio signal;

generating a plurality of samples by normalizing a portion of said first audio data to said second sampling rate, said portion of said first audio data being normalized corresponding to an overlapping portion of said common audio signal sampled at said first sampling rate; and

cross-fading pairs of samples based at least in part upon a change in bandwidth capability of the communication link, each pair substantially corresponding to a playback time, one sample of each pair being selected from one of said plurality of samples, the other sample of each pair being selected from a portion of said second audio data, said portion of said second audio data being selected corresponding to said overlapping portion of said common audio signal sampled at said second sampling rate.

2. (Original) The method as defined in Claim 1, wherein said cross-fading includes applying a first cross-fade weight to a first sample of each of said pair of samples to

obtain a first contribution, applying a second cross-fade weight to a second sample of each of said pair of samples to obtain a second contribution, and combining said first and second contributions to generate a cross-fade sample.

3. (Currently Amended) A method for cross-fading between first and second data streams received via a network communication link and representing the same original audio signal, the method comprising:

receiving in a receive buffer via the network communication link first audio data of the first data stream, the first audio data representing a time period t_1 and sampled at a first target sampling rate of said original audio signal, ~~said first audio data contained within said first stream;~~

decoding said first audio data to generate first audio samples;

receiving in said receive buffer, in response to a change in a data capacity of the network communication link, second audio data from the second data stream representing a time period t_2 of said original audio signal and sampled at a second target sampling rate different from said first target sampling rate, ~~said second audio data from said second stream, said time period t_1 and t_2 overlapping by a time period t_3 in said original audio signal;~~

decoding said second audio data to generate second audio samples;

resampling said second audio samples in accordance with said first target sampling rate to generate second resampled audio samples, each of said second resampled audio samples substantially corresponding in time to a respective one of said first audio samples to form a sample pair; and

~~cross-fading in response to a change in data capacity of the communication link,~~ each sample pair corresponding to a time within said time period t_3 , by applying a first cross-fade weight to a first sample of said sample pair to obtain a first contribution, by applying a second cross-fade weight to a second sample of said sample pair to obtain a second contribution, and by combining said first and second contributions.

4. (Previously Presented) The method as described in Claim 3, wherein said first stream represents said original audio signal at a first sampling rate and said second stream represents said original audio signal at a second sampling rate.
5. (Original) The method as described in Claim 4, wherein each applied first cross-fade weight represents a value between 1 and 0, and the sum of said first cross-fade weight and said second cross-fade weight applied to each said sample pair is 1.
6. (Original) The method as described in Claim 5, wherein each applied first cross-fade weight represents a point along a curve defined by one-half cycle of the cosine function offset and scaled to begin at a value of one and end at a value of zero.
7. (Currently Amended) A system for cross-fading between first and second streams received via a network and representing an common original audio signal, said system comprising:
- a receive buffer to store the first and second a received streams, wherein the second stream is received based at least in part upon a change in status of the network;
 - a decoder to decode said the first and second received streams from said receive buffer into digital samples;
 - a sample-rate converter to resample ~~resampling~~ said digital samples in accordance with a target sampling rate; and
 - a cross-fader to cross-fade first resampled digital samples from said first stream with resampled digital samples from said second stream ~~based at least in part upon a change in status of the network~~, said first resampled digital samples corresponding to an overlap in time of said original audio signal.
8. (Previously Presented) The system as described in Claim 7, wherein said cross-fader applies cross-fade weights to paired resampled samples from said first and second streams to generate cross-faded samples, each of said pairs of resampled samples substantially corresponding to a playback time.

9. (Original) The system as described in Claim 8, wherein said cross-fader applies a first cross-fade weight to a first of each pair of said resampled samples and applies a second cross-fade weight to a second of each pair of said resampled samples, said first and second cross-fade weights summing to one.

10. (Canceled)

11. (Currently Amended) A method for cross-fading a first and second stream that respectively comprises first and second audio data corresponding to a common audio signal, said first audio data being generated by compressing said audio source at a first compression rate and said second audio data being generated by compressing said audio source at a second compression rate, said method comprising:

receiving via a network communication link, said first audio data within said first stream;

receiving via the network communication link, and said second audio data within said second stream, said second audio data received in response to a change in bandwidth capability of the network communication link;

decompressing said first and second audio data;

generating pairs of samples of said first and second audio data, each pair substantially corresponding to a playback time, one sample of each pair being selected from a portion of said first decompressed audio data, said other sample of each pair being selected from a portion of said second decompressed audio data, said portion of said second decompressed audio data being selected to correspond to an overlapping portion of said common audio signal compressed at said first compression rate; and

~~cross-fading said pairs of samples in response to a change in bandwidth capability.~~

12. (Previously Presented) The method for cross-fading as recited in Claim 11, wherein said first compression rate is different than said second compression rate.

13. (Previously Presented) The method for cross-fading as recited in Claim 11, further comprising playing as an audio stream a portion of said first audio data, said cross-faded pairs of samples and said portion of said second audio data.
14. (Previously Presented) The method for cross-fading as recited in Claim 11, wherein said first audio source is pre-recorded music.
15. (Currently Amended) A computer readable media having a set of instructions that when executed by a processing system comprises a method for cross-fading a first and second stream that respectively includes a first and second audio data corresponding to a common audio signal, ~~said first audio data being generated by compressing an audio source at a first compression rate and said second audio data being generated by compressing said audio source at a second compression rate~~, said method comprising:
- receiving via a communication link said first audio data within said first audio stream;
 - receiving and said second audio data within said second stream via the communication link and in response to a change in bandwidth capability of the network communication link;
 - decompressing said first and second audio data; and
 - generating pairs of samples of said first and second audio data, each pair substantially corresponding to a playback time, one sample of each pair being selected from a portion of said first decompressed audio data, said other sample of each pair being selected from a portion of said second decompressed audio data, said portion of said second decompressed audio data being selected to correspond to an overlapping portion of said common audio signal compressed at said first compression rate; and
 - cross-fading said pairs of samples in response to a change in bandwidth capability.

16. (Currently Amended) The computer readable media as recited in Claim 15, wherein said first audio data is generated via compression of the common audio signal at a first compression rate and said second audio data is generated via compression of the common audio signal at a second compression rate, wherein said first compression rate is different than said second compression rate.

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17. (Previously Presented) The computer readable media as recited in Claim 15, further comprising playing as an audio stream a portion of said first audio data, said cross-faded pairs of samples and said portion of said second audio data.

18. (Previously Presented) The method as recited in claim 1 further comprising storing the cross faded pairs of sample on a hard disk drive.

19. (Currently Amended) The method as recited in claim 15 wherein further comprising receiving the first and second audio data are received from a server via the a communications link.

20. (Currently Amended) The ~~method-system~~ as recited in claim 7 further comprising a receiver to receive the first and second streams from a server via thea communications link.
